



General Assembly

Amendment

February Session, 2014

LCO No. **5182**

SB0033205182HD0

Offered by:

REP. ROJAS, 9th Dist.

SEN. OSTEN, 19th Dist.

To: Subst. Senate Bill No. **332**

File No. 481

Cal. No. 446

(As Amended by Senate Amendment Schedule "A")

"AN ACT AMENDING THE CHARTER OF THE METROPOLITAN DISTRICT IN HARTFORD COUNTY."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Number 358 of the special acts of 1931, as amended by
4 special act 77-62, is amended to read as follows (*Effective October 1,*
5 *2014*):

6 The Metropolitan District is authorized to supply water [, at rates
7 uniform with those charged within said district,] to any town or city
8 that is not a member town or city of the district, any part of which is
9 situated not more than twenty miles from the state capitol at Hartford,
10 or to the inhabitants thereof, or to any state facility located within such
11 area, upon such terms as may be agreed upon, but all other sources
12 belonging to any such town or city shall be developed by such

13 consumer or made available for development by said district. Except
14 as otherwise agreed between the district and a customer, the district
15 shall supply water at water use rates and with customer service
16 charges uniform with those charged within said district. Any
17 nonmember town surcharge imposed on any such customer or
18 inhabitant shall not exceed the amount of the customer service charge.
19 The cost of constructing the pipe connection between the district and
20 such town or city and the cost for capital improvements within such
21 town or city shall be paid by such town or city or by the customers
22 inhabiting such town or city. The cost of constructing the pipe
23 connection between the district and any such state facility shall be paid
24 by the state of Connecticut. Nothing herein shall authorize The
25 Metropolitan District to supply any water in competition with any
26 water system in any town or city, except by agreement.

27 Sec. 2. (*Effective from passage*) The Metropolitan District shall not
28 assess the special sewer service charge established pursuant to district
29 ordinance S12x, any costs associated with the Clean Water Project, or
30 any other costs associated with the sewer infrastructure of the district
31 against nonmember customers to whom the district is supplying water
32 pursuant to number 358 of the special acts of 1931, as amended by
33 special act 77-62 and section 1 of this act.

34 Sec. 3. Section 8 of number 511 of the special acts of 1929, as
35 amended by section 3 of special act 83-31 and section 1 of special act
36 99-12, is amended to read as follows (*Effective October 1, 2014*):

37 Said board, either directly or under committees consisting of one or
38 more members of said board, shall organize bureaus for the convenient
39 carrying into effect of the several functions herein committed to said
40 board and may define the powers and duties of such bureaus and
41 delegate to them such powers and duties by ordinance, by-law or
42 otherwise as may, in the judgment of the board, be necessary for the
43 convenient operation of the same. No member of the board shall
44 receive any pay for his services as such member or as a member of a
45 sub-committee of the board except that a reasonable sum may

46 annually be appropriated for the actual expenses of said board. The
47 board may, by ordinance, by-law or otherwise, fix the salaries and
48 define the duties of all officers and employees or may delegate the
49 fixing of salaries of employees and assignment of duties of employees
50 to sub-committees or bureau managers. The chairman and vice-
51 chairman of said district and of all sub-committees, bureaus, boards
52 and commissions appointed by the district board shall, unless
53 otherwise provided in the appointment or herein, hold office until the
54 end of the fiscal year of their appointment and thereafter shall be
55 appointed for terms of two years and until their successors shall be
56 appointed and shall have qualified. The members of all sub-
57 committees, bureaus, boards and commissions appointed by the
58 district board shall, unless otherwise provided in the appointment or
59 herein, hold such membership until the end of the fiscal year of their
60 appointment and thereafter shall hold membership for terms of two
61 years and until their successors shall be appointed and shall have
62 qualified. The managers of the water bureau and of the bureau of
63 public works and such others of the officers as by the district board
64 shall be especially so designated shall hold office during good
65 behavior and shall be removed only for cause. All other officers and
66 employees may be removed at any time by the district board at
67 pleasure. All vacancies may be filled by the district board. Said district
68 board shall have power to fill any vacancy occurring in its number for
69 the unexpired portion of the term and, except as otherwise expressly
70 provided, shall act in all cases by a majority of those present at any
71 regular or special meeting, duly warned. A majority of the board shall
72 constitute a quorum and the time, place and manner of calling
73 meetings and the holding thereof, including the manner of dissolving
74 tie votes, shall be prescribed by said board by by-law or otherwise. The
75 district board shall be the final judge of the election returns and
76 validity of elections and qualifications of its members and shall decide
77 all tie votes in elections. Except as hereinafter provided, the district
78 board shall have power to authorize the sale, transfer and conveyance
79 of real and personal estate belonging to the district, and shall provide
80 by by-law or otherwise for the form and manner of execution of the

81 documents and instruments convenient therefor. The district board
82 shall make provision for the proper auditing of the district accounts
83 and may cause any officer to execute bonds to the district with surety
84 to the acceptance of the district board for the faithful performance of
85 duties. The district board shall post the current budget of the district in
86 a conspicuous location on the district's Internet web site.

87 Sec. 4. Section 2 of special act 75-73, as amended by section 2 of
88 special act 83-18, section 2 of special act 84-75 and section 17 of public
89 act 93-380, is amended to read as follows (*Effective October 1, 2014*):

90 (a) The members of the board of commissioners appointed prior to
91 and holding office on the effective date of special act 75-73, special act
92 83-18, special act 84-75, [or this act] public act 93-380 or this act shall
93 continue to serve until the expiration of their terms for which they were
94 appointed. Thereafter, members shall be appointed by the legislative
95 body of each member municipality, to replace the members whose terms
96 expire and until their successors are appointed and qualify, provided, in
97 no event shall the total number of members appointed by the legislative
98 body of any member municipality exceed: (1) Six in the city of Hartford,
99 (2) three in the city of East Hartford, (3) one in the town of Rocky Hill, (4)
100 one in the town of Wethersfield, (5) one in the town of Newington, (6)
101 one in the town of Windsor, (7) one in the town of Bloomfield and (8)
102 three in the town of West Hartford.

103 (b) Appointments to the district board by the legislative bodies of
104 the member municipalities shall be made in accordance with the
105 following schedule:

106 (1) The legislative body of the city of Hartford shall appoint (A)
107 three commissioners for a term of two years to commence January 1,
108 1977, and (B) three commissioners for a term of six years to commence
109 January 1, 1981;

110 (2) The legislative body of the city of East Hartford shall appoint (A)
111 two commissioners for a term of four years to commence January 1,

112 1977, and (B) one commissioner for a term of six years to commence
113 January 1, 1979;

114 (3) The legislative body of the town of Wethersfield shall appoint
115 one commissioner for a term of six years to commence January 1, 1979;

116 (4) The legislative body of the town of Newington shall appoint one
117 commissioner for a term of six years to commence January 1, 1981;

118 (5) The legislative body of the town of Windsor shall appoint one
119 commissioner for a term of six years to commence January 1, 1981;

120 (6) The legislative body of the town of Bloomfield shall appoint one
121 commissioner for a term of two years to commence January 1, 1987;

122 (7) The legislative body of the town of Rocky Hill shall appoint one
123 commissioner for a term of six years to commence January 1, 1977;

124 (8) The legislative body of the town of West Hartford shall appoint
125 (A) one commissioner for a term of one year to commence January 1,
126 1984, (B) one commissioner for a term of three years to commence
127 January 1, 1984, and (C) one commissioner for a term of five years to
128 commence January 1, 1984.

129 (c) Upon the expiration of the initial terms of appointment under
130 this section, members shall be appointed for terms of six years from
131 January first in the year of their appointment and shall serve until their
132 successors are appointed and qualify.

133 (d) On and after January 1, 1989, the eight members appointed by
134 the governor to the district board shall be electors from The
135 Metropolitan District, not more than three of whom shall be from any
136 one municipality within said district nor shall such appointees
137 represent more than fifty per cent of any municipality's representation
138 on the district board. The appointments by the governor shall be for six
139 years and shall be made in accordance with the following schedule:

140 (1) Three commissioners from the city of Hartford for a term to
141 commence January 1, 1989;

142 (2) One commissioner from the city of East Hartford for a term to
143 commence January 1, 1989;

144 (3) One commissioner from the town of Wethersfield for a term to
145 commence January 1, 1989;

146 (4) One commissioner from the town of Newington for a term to
147 commence January 1, 1991;

148 (5) One commissioner from the town of Windsor for a term to
149 commence January 1, 1989;

150 (6) One commissioner from the town of West Hartford for a term to
151 commence January 1, 1989.

152 (e) The four commissioners appointed by the designated members
153 of the General Assembly shall be appointed as follows: (1) One
154 commissioner by the president pro tempore of the Senate, for a term of
155 five and one-half years commencing July 1, 1993; (2) one commissioner
156 by the speaker of the House of Representatives, for a term of four and
157 one-half years commencing July 1, 1993; (3) one commissioner by the
158 minority leader of the Senate, for a term of three and one-half years,
159 commencing July 1, 1993, and (4) one commissioner by the minority
160 leader of the House of Representatives, for a term of two and one-half
161 years, commencing July 1, 1993. After such initial appointment the
162 terms of all such commissioners shall thereafter be six years. Such
163 commissioners shall be electors from The Metropolitan District,
164 provided no two commissioners shall be residents of the same
165 municipality.

166 (f) On and after October 1, 2014, the legislative bodies of
167 nonmember municipalities shall appoint four members to the board of
168 commissioners, provided in no event shall the total number of
169 members appointed by the legislative body of any nonmember

170 municipality exceed: (1) One from the town of Glastonbury; (2) one
171 from the town of South Windsor; (3) one from the town of East
172 Granby; and (4) one from the town of Farmington. Such
173 commissioners shall be ex-officio, nonvoting members of the board of
174 commissioners. Commissioners appointed pursuant to this subsection
175 shall be appointed for terms of six years from January first in the year
176 of their appointment and shall serve until their successors are
177 appointed and qualify.

178 Sec. 5. Subsection (b) of section 1 of special act 75-73, as amended by
179 section 1 of special act 83-18, section 1 of special act 84-75, section 16 of
180 public act 93-380 and section 4 of special act 99-12, is amended to read
181 as follows (*Effective October 1, 2014*):

182 (b) On and after [July 1, 1993] October 1, 2014, said district board
183 shall be composed of [twenty-nine] a total of thirty-three electors of
184 said district and nonmember municipalities, seventeen to be appointed
185 by the member municipalities, from among their respective electors; [,
186 eight] twelve to be appointed by the member municipalities, from
187 among their respective electors, as follows: Eight to be appointed by
188 the Governor, one to be appointed by the speaker of the House of
189 Representatives, one to be appointed by the minority leader of the
190 House of Representatives, one to be appointed by the president pro
191 tempore of the Senate, and one to be appointed by the minority leader
192 of the Senate; [,] and four to be appointed by the nonmember
193 municipalities, from among their respective electors, all such
194 appointments being subject to the provisions of section 2 of special act
195 75-73, as amended by section 2 of special act 83-18, section 2 of special
196 act 84-75, [and] section 17 of public act 93-380 and section 4 of this act.
197 The provisions of section 9-167a of the general statutes shall apply only
198 to appointments made under this section by municipalities having
199 three or more members and only with respect to members appointed
200 by any such municipality. For the commissioners appointed by the
201 member municipalities and the Governor, membership of the district
202 board shall be apportioned among the member municipalities as

203 follows: Nine commissioners from the city of Hartford, four
204 commissioners from the city of East Hartford, one commissioner from
205 the town of Rocky Hill, two commissioners from the town of
206 Wethersfield, two commissioners from the town of Newington, one
207 commissioner from the town of Bloomfield, two commissioners from
208 the town of Windsor and four commissioners from the town of West
209 Hartford.

210 Sec. 6. (*Effective January 1, 2015*) The Metropolitan District
211 Commission shall annually prepare a report that includes the
212 following: (1) A list of all bond issues for the preceding fiscal year,
213 including, for each such issue, the financial advisor and underwriters,
214 whether the issue was competitive, negotiated or privately placed, and
215 the issue's face value and net proceeds; (2) a list of all projects receiving
216 financial assistance during the preceding fiscal year, including each
217 project's purpose, location, and the amount of funds provided by the
218 district; (3) the cumulative value of all bonds issued, the value of
219 outstanding bonds and capital projects associated with such bonds; (4)
220 as of February 15th of each fiscal year, an accounting showing all water
221 revenue and expenditures by source, category and type; and (5) the
222 affirmative action policy statement, a description of the composition of
223 the district's work force by race, sex, and occupation and a description
224 of the district's affirmative action efforts. The district shall, not later
225 than January first, submit one copy of such report to the Governor, to
226 the Auditors of Public Accounts and to the Office of Fiscal Analysis
227 and two copies of such report to the Legislative Program Review and
228 Investigations Committee. Not later than thirty days after receiving
229 copies of such report from the district, the Legislative Program Review
230 and Investigations Committee shall prepare an assessment of whether
231 the report complies with the requirements of this section and shall
232 submit the assessment and a copy of the report to the joint standing
233 committee of the General Assembly having cognizance of matters
234 relating to municipalities.

235 Sec. 7. (*Effective January 1, 2015*) For the fiscal year commencing

236 January 1, 2015, and for each fiscal year thereafter, the Metropolitan
237 District Commission shall submit a personnel status report to the
238 Office of Fiscal Analysis. Such report shall include: (1) The total
239 number of employees at the end of each quarter; (2) the positions
240 vacated and the positions filled during each quarter; and (3) the
241 positions estimated to be vacant and the positions estimated to be
242 filled at the end of the fiscal year.

243 Sec. 8. (*Effective January 1, 2015*) The Metropolitan District
244 Commission shall, annually, submit a copy of the audit prepared
245 pursuant to chapter 111 of the general statutes to the Office of Fiscal
246 Analysis.

247 Sec. 9. (*Effective from passage*) Subsection (a) of section 4 of special act
248 90-27, as amended by section 6 of public act 93-380, is amended to read
249 as follows:

250 (a) The Metropolitan District in Hartford County created pursuant
251 to number 511 of the special acts of 1929, as amended, may issue bonds
252 or other obligations, or may enter into leases of real or personal
253 property or any interest therein, from time to time for the purpose of
254 paying all or any part of the cost of designing, acquiring, purchasing,
255 constructing, reconstructing, improving, extending, financing,
256 refinancing, operating or managing any facility, system, program or
257 equipment necessary or desirable in connection with carrying out any
258 of its authorized purposes, including payment of expenses of
259 administration properly chargeable thereto, including, without
260 limitation, legal, architectural and engineering expenses and fees, and
261 costs of audits, and payment of costs, fees and expenses which the
262 district board may deem necessary or advantageous in connection with
263 the authorization, sale and issuance of bonds or notes or other
264 obligations, including but not limited to, underwriters' discount and
265 payment of all other items of expense incurred in connection
266 therewith. The district may issue such types of bonds or other
267 obligations as the district board by resolution approved by a majority
268 of its members may determine, including, without limiting the

269 generality of the foregoing, bonds or other obligations payable as to
270 principal and interest exclusively from the income and revenues of a
271 particular facility, system or program. Bonds or other obligations
272 payable as to principal and interest exclusively from the income and
273 revenues of a particular facility, system or program shall not constitute
274 an indebtedness within the meaning of any statutory limitation on the
275 indebtedness of the district or any member municipality.
276 Notwithstanding the provisions of sections 23, 24, 25, 26 and 51 of
277 number 511 of the special acts of 1929, as amended, any surplus
278 moneys not needed in the determination of the district board to meet
279 the purposes of funds established pursuant to said sections and any
280 surplus revenues in the assessable sewer fund may be pledged as
281 additional security for any such bonds or the provider of any credit
282 enhancement for any such bonds, which also may be secured by a
283 pledge of any income or revenues of the district, or a mortgage on any
284 facility or system or the site thereof. Whenever and for so long as the
285 district has issued and has outstanding bonds pursuant to this section,
286 the district board shall fix, charge and collect rates, rents, fees and
287 other charges in accordance herewith. Neither the members of the
288 district nor any person executing the bonds shall be liable personally
289 on the bonds by reason of the issuance thereof. The bonds and other
290 obligations of the district, and such bonds and obligations shall so state
291 on their face, shall not be a debt of the state or any political subdivision
292 thereof, and no person other than the district shall be liable thereon,
293 nor shall such bonds or obligations be payable out of any funds or
294 properties other than those of the district. Bonds of the district issued
295 under the provisions of sections 2 and 13 of number 511 of the special
296 acts of 1929, as amended, and sections 2 and 4 of special act 90-27, as
297 amended by [this act] public act 93-380, are declared to be issued for an
298 essential public and governmental purpose. In anticipation of the sale
299 of such bonds the district may issue negotiable bond anticipation notes
300 and may renew the same from time to time, but the maximum
301 maturity of any such note including renewals thereof, shall not exceed
302 five years from the date of issue of the original note. Such notes shall
303 be paid from any revenues of the district available therefor and not

304 otherwise pledged, or from the proceeds of sale of the bonds of the
305 district in anticipation of which they were issued. Such notes and the
306 resolution or resolutions authorizing the same may contain any
307 provisions, conditions or limitations which a bond resolution of the
308 district may contain.

309 Sec. 10. Subsection (b) of section 4 of special act 90-27 is amended to
310 read as follows (*Effective from passage*):

311 (b) Bonds of the district may be issued as serial bonds or as term
312 bonds, or a combination thereof, as the district board, in its discretion,
313 may determine. Bonds shall be authorized by resolution adopted by a
314 majority of the members of the district board and shall bear such date or
315 dates, mature at such time or times, not exceeding [twenty-five] thirty
316 years from their respective dates, bear interest at such rate or rates, or
317 have provisions for the manner of determining such rate or rates,
318 payable at such time or times, be in such denominations, be in such form,
319 either coupon or registered, carry such registration privileges, be
320 executed in such manner, be payable in lawful money of the United
321 States of America at such place or places and be subject to such terms of
322 redemption as such resolution or resolutions may provide. The bonds or
323 notes may be sold at public or private sale for such price or prices as the
324 district shall determine. Pending preparation of the definitive bonds, the
325 district may issue interim receipts or certificates which shall be
326 exchanged for such definitive bonds.

327 Sec. 11. (*Effective from passage*) The state of Connecticut does hereby
328 pledge to and agree with the holders of any bonds, notes and other
329 obligations issued by the Metropolitan District in Hartford County
330 created pursuant to number 511 of the special acts of 1929, as
331 amended, under the authority of chapter 103 of the general statutes or
332 under section 4 of special act 90-27, as amended by section 6 of public
333 act 93-380 and section 10 of this act, which are payable solely from the
334 income and revenue of a particular facility, system or program or the
335 revenues to be derived from sewerage system use charges, and with
336 those parties who may enter into contracts with the district in respect

337 of the same, that the state will not limit or alter the rights vested in the
 338 authority to charge and collect such income, revenues, or sewerage
 339 system use charges, or in the holders of any bonds, notes or other
 340 obligations of the district until such obligations, together with the
 341 interest thereon, are fully met and discharged and such contracts are
 342 fully performed on the part of the district, provided nothing contained
 343 herein shall preclude such limitation or alteration if and when
 344 adequate provision shall be made by law for the protection of the
 345 holders of such bonds, notes and other obligations of the district or
 346 those entering into contracts with the district. The district is authorized
 347 to include this pledge and undertaking for the state in such bonds,
 348 notes and other obligations or contracts."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2014</i>	Number 358 of the special acts of 1931
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>October 1, 2014</i>	Number 511 of the special acts of 1929, Sec. 8
Sec. 4	<i>October 1, 2014</i>	SA 75-73, Sec. 2
Sec. 5	<i>October 1, 2014</i>	SA 75-73, Sec. 1(b)
Sec. 6	<i>January 1, 2015</i>	New section
Sec. 7	<i>January 1, 2015</i>	New section
Sec. 8	<i>January 1, 2015</i>	New section
Sec. 9	<i>from passage</i>	New section
Sec. 10	<i>from passage</i>	SA 90-27, Sec. 4(b)
Sec. 11	<i>from passage</i>	New section